

**State of Kansas  
Department of Health and Environment**

**Notice of Hearing on Proposed Administrative Regulations**

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m., Wednesday, December 12, 2012, in the Tallgrass Conference Room, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of new regulation K.A.R. 28-75-100 regarding protected health care information.

A summary of the proposed regulation and the estimated economic impact follows:

**Summary of Regulation:**

**28-75-100.** Adopts by reference the agency's HIPPA disclosure of protected health information authorization form.

**Economic Impact:**

Cost to individuals: No significant costs to potential users of the form is anticipated. The use of the form is not mandatory. Health care providers wishing to use the form may access it from the KDHE webpage. Copies of the form will also be available by telephone or fax request.

Cost to the agency: It is anticipated that costs incurred by KDHE to implement this regulation will be minimal. The form has been prepared by KDHE staff and can be easily accessed and downloaded from the KDHE webpage. Inquires about the form can be addressed by email or telephone responses.

Costs to other governmental agencies or units: There are no known costs to other agencies.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulation. At any time during the public comment period interested parties may submit written comments to Paul Marx, Associate Chief Counsel, Health Legal Group,

Office of Legal Services, KDHE, 1000 S.W. Jackson, Suite 560, Topeka 66612, by email to [pmarx@kdheks.gov](mailto:pmarx@kdheks.gov) or by fax to (785) 296-7119. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit any oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained on KDHE's website at <http://www.kdheks.gov/administration/index.html> or by contacting Paul Marx at the address above, (785) 296-1330 or fax (785) 296-7119. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Paul Marx.

Robert Moser, M.D.

Secretary of Health and Environment

K.A.R. 28-75-100. Pursuant to K.S.A. 65-6826 and amendments thereto, the Kansas department of health and environment's form titled "authorization to disclose protected health information," dated August 20, 2012, is hereby adopted by reference. (Authorized by and implementing K.S.A. 2011 Supp. 65-6826; effective P- \_\_\_\_\_.)

August 16, 2012

Kansas Department of Health and Environment  
Economic Impact Statement

Pursuant to the requirements of KSA 2011 Supp. 77-416, the Kansas Department of Health and Environment submits the following economic impact statement.

1. Regulation(s):

K.A.R. 28-75-100

2. Brief description of each regulation(s) and what is intended to be accomplished by adoption.

K.A.R. 28-75-100

As required by KSA 2011 Supp. 65-6826, this regulation adopts by reference a standard HIPPA disclosure of protected health information authorization form.

3. Is this regulation(s) mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes \_\_\_\_\_ No   X  

If yes, please explain.

4. Do the proposed regulations exceed the requirements of applicable federal law?

Yes \_\_\_\_\_ No   X  

If yes, please explain.

5. Description of Costs:

- a. Cost to the agency:

It is anticipated that the costs incurred by KDHE to implement this regulation will be minimal. The form has been prepared by KDHE staff and will be easily accessible and down-loadable from the KDHE webpage. Inquiries about the form can be addressed by e-mail or telephone responses.

- b. Cost to persons who will bear the costs and those who will be affected (i.e., private citizens and consumers of the products or services) and are subject to the proposed rules and regulations or the enforcement:

The use of the form is not mandatory. Those wishing to use the form may access it from the KDHE webpage. Copies of the form will also be available upon telephone or fax requests. No significant costs to potential users of the form is anticipated.

c. Costs to other governmental agencies or units:

There are no known costs to other agencies.

6. Description of any less costly or less intrusive methods that were considered by the agency for the purpose of the rules and regulations and why such methods were rejected in favor of the proposed rules and regulations.

The creation of this form is in response to a statutory mandate. The form was created in-house and will be made available through the existing KDHE website.

No less costly or less intrusive methods were identified. No alternatives were identified by statute.

7. Verification of economic impact statement with League of Kansas Municipalities, Kansas Association of Counties and the Kansas Association of School Boards.

Yes\_\_\_\_ No   **X**